

SECTION 27. (a) The changes in law made by Sections 503.104, 503.107, and 503.110, Occupations Code, as amended by this Act, regarding the prohibitions on or qualifications of members of the Texas State Board of Examiners of Professional Counselors do not affect the entitlement of a member serving on the board immediately before September 1, 2005, to continue to serve and function as a member of the board for the remainder of the member's term. The changes in law made by those sections apply only to a member appointed on or after September 1, 2005.

(b) The changes in law made by this Act related to the filing or investigation of a complaint under Chapter 503, Occupations Code, as amended by this Act, apply only to a complaint filed with the Texas State Board of Examiners of Professional Counselors on or after the effective date of this Act. A complaint filed before the effective date of this Act is governed by the law as it existed immediately before that date, and the former law is continued in effect for that purpose.

(c) The changes in law made by this Act governing the eligibility of a person for a license under Chapter 503, Occupations Code, apply only to an application for a license filed with the Texas State Board of Examiners of Professional Counselors under Chapter 503, Occupations Code, as amended by this Act, on or after the effective date of this Act. A license application filed before the effective date of this Act is governed by the law in effect at the time the application was filed, and the former law is continued in effect for that purpose.

(d) The change in law made by this Act with respect to conduct that is grounds for imposition of a disciplinary sanction, including a refund, temporary license suspension, or cease and desist order, applies only to conduct that occurs on or after the effective date of this Act. Conduct that occurs before the effective date of this Act is governed by the law in effect on the date the conduct occurred, and the former law is continued in effect for that purpose.

(e) The change in law made by Section 503.302(a), Occupations Code, as amended by this Act, and Section 503.3055, Occupations Code, as added by this Act, regarding the jurisprudence examination, applies only to an application for a license filed with the Texas State Board of Examiners of Professional Counselors under Chapter 503, Occupations Code, as amended by this Act, on or after the effective date of this Act.

SECTION 28. Notwithstanding Section 503.354, Occupations Code, as amended by this Act, the fees for an applicant renewing an expired license under Chapter 503, Occupations Code, before September 1, 2007, are governed by the law in effect immediately before the effective date of this Act, and the former law is continued in effect for that purpose. An applicant who renews an expired license under Chapter 503, Occupations Code, on or after September 1, 2007, is subject to the fees provided by Section 503.354, Occupations Code, as amended by this Act.

SECTION 29. This Act takes effect September 1, 2005.

Passed by the House on May 9, 2005: Yeas 146, Nays 0, 2 present, not voting; passed by the Senate on May 24, 2005: Yeas 31, Nays 0.

Approved June 17, 2005.

Effective September 1, 2005.

CHAPTER 562

H.B. No. 1304

AN ACT

relating to sanitation requirements for certain barbering and cosmetology services.

Be it enacted by the Legislature of the State of Texas:

SECTION 1. Section 1601.506, Occupations Code, is amended by adding Subsections (e) and (f) to read as follows:

(e) *A person who holds a license, certificate, or permit issued under this chapter and who performs a barbering service described by Section 1601.002(1)(E) or (F):*

(1) shall, before performing the service, disinfect and sterilize with an autoclave or a dry heat, ultraviolet, or other board-approved sterilizer each nondisposable instrument used to perform the service; and

(2) may use a disposable supply or instrument only if that supply or instrument is purchased at the location where the service is performed or provided by the person on whom the service is performed.

(f) The owner or manager of a barbershop, specialty shop, or barber school is responsible for providing an autoclave or a dry heat, ultraviolet, or other board-approved sterilizer for use in the shop or school as required by Subsection (e). An autoclave or a dry heat, ultraviolet, or other board-approved sterilizer used as required by Subsection (e) must be:

(1) registered and listed with the federal Food and Drug Administration; and

(2) used in accordance with the manufacturer's instructions.

SECTION 2. Subchapter I, Chapter 1602, Occupations Code, is amended by adding Section 1602.408 to read as follows:

Sec. 1602.408. **SANITATION REQUIREMENTS FOR CERTAIN SERVICES.** (a) A person who holds a license, certificate, or permit issued under this chapter and who performs a cosmetology service described by Section 1602.002(10) or (11):

(1) shall, before performing the service, disinfect and sterilize with an autoclave or a dry heat, ultraviolet, or other commission-approved sterilizer each nondisposable instrument used to perform the service; and

(2) may use a disposable supply or instrument only if that supply or instrument is purchased at the location where the service is performed or provided by the person on whom the service is performed.

(b) The owner or manager of a beauty shop, specialty shop, or beauty culture school is responsible for providing an autoclave or a dry heat, ultraviolet, or other commission-approved sterilizer for use in the shop or school as required by Subsection (a). An autoclave or a dry heat, ultraviolet, or other commission-approved sterilizer used as required by Subsection (a) must be:

(1) registered and listed with the federal Food and Drug Administration; and

(2) used in accordance with the manufacturer's instructions.

SECTION 3. This Act takes effect January 1, 2006.

Passed by the House on April 19, 2005, by a non-record vote; the House concurred in Senate amendments to H.B. No. 1304 on May 18, 2005, by a non-record vote; passed by the Senate, with amendments, on May 17, 2005: Yeas 31, Nays 0.

Approved June 17, 2005.

Effective January 1, 2006.

CHAPTER 563

H.B. No. 1316

AN ACT

relating to immunization requirements for children in regulated child-care facilities.

Be it enacted by the Legislature of the State of Texas:

SECTION 1. Section 42.043(b), Human Resources Code, is amended to read as follows:

(b) The department shall require that each child at an appropriate age have a test for tuberculosis and be immunized against diphtheria, tetanus, poliomyelitis, mumps, rubella, [and] rubeola, invasive pneumococcal disease, and hepatitis A and against any other communicable disease as recommended by the [Texas] Department of State Health Services. The immunization must be effective on the date of first entry into the facility. However, a